Court No. 2

Writ Petition No. 2182 (M/S) of 2001
(Old No. 23007 of 1999).

Govind Ballabh Pant University
Of Agriculture & Technology, Pant Nagar
District-Udham Singh Nagar through
Its Vice Chancellor .....Petitioner

Versus

Presiding officer, Labour Court and
Two others .....Respondents

Hon'ble P.C.Verma,J.

Heard Sri Rajendra Dobhal, learned counsel for the petitioner and Sri Manoj Tewari, learned counsel for respondent No.3.

This writ petition has been filed in the year 1999 before the High Court at Allahabad, challenging the award dated 14.9.1995 and the order dated 30.5.1998 rejecting the application for setting aside the exparte award.

The petition was presented on 28.05.1999. Notices were issued to the respondents to file their counter affidavit, if any, and it was ordered that the matter was to be listed thereafter after the expiry of aforesaid period for admission. The writ petition has not been admitted till date. I have perused the award made by the Labour Court as well as the order dated 30.05.1998 rejecting the application of the applicant. From the perusal of the award it is evident that an objection was filed by the petitioner before the Labour Court raising a question of jurisdiction of the Labour Court that the Labour Court has not jurisdiction to decide the reference as the matter is not covered under the first schedule. I have perused the first schedule as well as the reference made by the Government. The reference is clearly covered

under the last item. Therefore, the Labour Court rightly rejected this objection. The Labour Court has granted promotional pay-scale to the petitioner on the post of service-man mechanic as it was granted to other similarly situated workmen like the petitioner.

The next point contended by the learned counsel for the petitioner is that the award is non-speaking award. A perusal of the award itself shows that the facts discussed in Para-2 of the award form the reason of the judgment. Thus, in my opinion, the award of the Labour Court does not suffer from any illegality or infirmity. The order dated 30.05.1998 is detailed one and has rightly been rejected, as after filing objection it cannot be said that it was an exparte award.

Thus, the petition has no merit and is liable to be dismissed. The petition is dismissed accordingly.

(P.C. Verma, J.)

21.08.2003
P.Singh